

Notice of Allowability

Application No.

10/781,052

Examiner

Jerrold Johnson

Applicant(s)

PANGERC ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 31 July 2006.
2. ☒ The allowed claim(s) is/are 1-4,6-12,14-34 and 36-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian Hollis on 31 July 2006.

In the claims, claims 12 and 31 have been amended as follows:

12. (Currently Amended) A storage container for housing bits therein, said container comprising:

a front housing portion and a rear housing portion pivotally connected through a hinge defining a hinge axis for moving between open and closed positions, said front housing portion and said rear housing portion defining a body cavity therebetween in said closed position, and

a plurality of bit holders pivotally connected to said hinge and arranged to fit within said body cavity in said closed position, said plurality of bit holders each including a plurality of bit receiving portions formed thereon for accepting the bits;

wherein said plurality of bit holders include a front bit holder lying adjacent to said front housing in said closed position, a rear bit holder lying adjacent to said rear housing in said closed position, and a middle bit holder disposed between said front and rear bit holders, said front, rear and middle bit holders each including at least two hinge arms formed along a thickness of each respective bit holder and respectively cooperating with said hinge, said hinge arms of said front bit holder extending in a laterally offset direction from said hinge arms of said rear bit holder, wherein cutouts are defined on respective hinge faces in said front and rear housing portion to accommodate said at least two hinge arms of said front, rear and middle bit holders, wherein portions of said at least two hinge arms extend through said cutouts and wherein when said storage container is in said closed position said hinge axis is defined

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outboard of said hinge faces such that said portions of said at least two hinge arms intersect a the plane defined by said respective hinge faces within which said cutouts are defined in said closed position.

31. (Currently Amended) A storage container for housing bits comprising:
a front housing portion and a rear housing portion pivotally connected through a hinge for moving between open and closed positions, said front housing portion and said rear housing portion defining a body cavity therebetween in said closed position, and

a ~~plurality of front, middle, and rear bit holders~~ holder pivotally connected to said hinge and arranged to fit within said body cavity in said closed position, said middle bit holder opposed to and located between said front and rear bit holders, ~~said plurality of front, middle, and rear~~ bit holders including bit receiving portions formed therein for accepting bits, each of said ~~plurality of front, middle, and rear~~ bit holders having a front side for facing said front housing portion and a rear side for facing said rear housing portion;

wherein each of said bit receiving portions corresponds to a pair of common bit size identifiers integrally formed on each of said ~~plurality of front, middle, and rear~~ of bit holders proximate to each of said bit receiving portions, one of said pair formed on each of said front sides of said ~~plurality of front, middle, and rear~~ bit holders, the other of said pair formed on each of said rear sides of said ~~plurality of front, middle, and rear~~ bit holders wherein at least one of said pair of common bit size identifiers are visible while indexing ~~plurality of said front, middle, and rear~~ bit holders about said hinge.

The following is an examiner's statement of reasons for allowance and a summary of the interview of 31 July 2006:

To summarize the conversation between the Examiner and Mr. Brian Hollis on 31 July 2006, an agreement was made that Drohman only teaches placing a third bit holder at an elevation where the bit holder is between the bits held in the first and second bit holders 16, 16a. It was also agreed that the reference to Hout does not teach the deficiencies of Drohman. In fact, were it not for the teachings of the present application, there would be little or no reason to utilize the teachings of Hout with respect to the case of Drohman, other than the teaching of indicia. The reference to Hout relies on all bit holders being disposed within one housing portions, with a different pivot being used for

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each bit holder. A fair assessment of the references of Drohman and Hout is that other than the teachings of indicia, one of ordinary skill in the art holding these two references side by side would see little in Hout that would be applicable to the case of Drohman.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerrold Johnson whose telephone number is 571-272-7141. The examiner can normally be reached on 9:30 to 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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